

ORIGINAL



0000102412

Page 1 of 4

Staff Memorandum

10

RECEIVED

To: THE COMMISSION

From: Steve M. Olea
Interim Director
Safety Division

Date: October 9, 2009

RE: IN THE MATTER OF THE APPLICATION OF THE CITY OF PHOENIX TO CLOSE THE EAST SIDE OF THE 1ST AVENUE RAILROAD PEDESTRIAN CROSSING AT THE TRACKS OF THE UNION PACIFIC RAILROAD BETWEEN JACKSON STREET AND BUCHANAN STREET, IN THE CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, AT DOT NO. 741-472-S.

DOCKET NO. RR-03639A-09-0373

Background

On July 27, 2009, the City of Phoenix, ("City") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to close an existing pedestrian crossing at the Railroad's tracks on the east side of the 1st Avenue roadway underpass between Jackson Street and Buchanan Street, in Phoenix, Arizona, at DOT No. 741-472-S. The City has jurisdiction at the pedestrian crossing where it crosses the Railroad's tracks.

Prior to 1987, 1st Avenue was a one-way, two-lane roadway running south, with an at-grade crossing at the Railroad's tracks. The at-grade crossing was equipped with flashing lights, automatic gate arms, bells and a cantilever. In 1987, the City completed a grade separation project that created a southbound one-way, three lane roadway under the Railroad's tracks. During the underpass project, two at-grade pedestrian crossings were created on the east and west sides of the underpass, rather than having walkways through the underpass. (See Attachment "A")

The pedestrian crossings are north/south paved walkways. (See Attachment "B") Automatic warning devices at the pedestrian crossings include flashing lights and bells. Commission Railroad Safety Staff ("Staff") records do not indicate a date in which the devices were installed, however Staff believes the approximate date was in 1988 after the completion of the 1st Avenue grade separation.

Geographical Information

The area around the pedestrian crossings is not densely populated with either residential uses or businesses. There are three residential complexes within one half mile of the railroad tracks and a few single family homes within one half mile of the proposed crossing closure. The three main residential complexes are the Summit, a

high-rise condominium (157 units); Campaigne Place, a single room occupancy complex (300 units); and Stadium Lofts, a condominium complex (32 units). There are approximately 5-10 industrial businesses within one-half mile, as well as 5-10 bars and restaurants.

The largest potential group of people using the crossings originates three blocks to the north of the railroad tracks where there are numerous governmental buildings located within a one-half mile radius. Also located within a one-half mile radius are US Airways Center and Chase Field. These sports complexes have events between 80 to 100 days per year. The vast majority of people who travel to and from these areas drive to work or to the events at the stadiums. The City performed a pedestrian traffic count on September 1, 2009. The results are as follows:

Tuesday, September 1, 2009 – 8:00 to 10:00 AM

East side crossing – 16 people

West side crossing – 6 people

Tuesday, September 1, 2009 – 4:00 – 6:00 PM

East side crossing – 18 people

West side crossing – 7 people

The day this count was taken, Maricopa County had the north sidewalk on Jackson Street and the west sidewalk on 1st Avenue temporarily closed for the construction of the County Court Tower Project. Due to the closure of the west sidewalk on 1st Avenue, pedestrians choose to use the east pedestrian crossing to cross the tracks. Alternative routes from the east pedestrian crossing include the west pedestrian crossing at 1st Avenue, approximately 150 feet to the west and to the east approximately 622 feet the crosswalk on the west side of 1st Street.

Points of Interest in the Area

The following points of interest are fully accessible by pedestrians even with the proposed closure of the east pedestrian crossing at 1st Avenue. The west pedestrian crossing, just 156 feet west of the east crossing will remain open. In addition, there is very limited pedestrian traffic going to these venues and complexes. The vast majority of people drive to the following:

- ✓ Campaigne Place: 700 feet
- ✓ Maricopa County Court Complex: 1,000 feet
- ✓ Stadium Lofts: 1,290 feet
- ✓ U.S. Airways Center: 2,441 feet
- ✓ Job Corps: 1,500 feet
- ✓ Phoenix City Hall: 2,250 feet
- ✓ The Summit: 1,800 feet
- ✓ Orpheum Theater: 2,400 feet
- ✓ Federal Court Building: 2,800 feet
- ✓ Dodge Theater: 2,850 feet
- ✓ Civic Plaza: 3,500 feet
- ✓ Chase Field: 2,600 feet

Why the Closure is Proposed

In response to Staff's First Set of Data Requests dated September 14, 2009, which asked the City to give a brief summary of why the pedestrian crossing should be closed, the City gave the following response:

Applicant requests the closure as part of establishing a quiet zone in downtown Phoenix. On November 16, 2005, there was a diagnostic field review meeting. There were representatives from the Federal Railroad Administration, Arizona Corporation Commission, ADOT Utility & RR Engineering, ADOT Planning, CBA Inc. (rail safety/quiet zone consultant), City of Phoenix Downtown Development Office, City of Phoenix Street Transportation, Downtown Phoenix Partnership, City of Phoenix Community and Economic Development Department, Summit at Copper Square, and Union Pacific Railroad. Based on information provided by Jim Smith, Union Pacific Railroad, this diagnostic team favored the permanent closure of the east pedestrian crossing as part of establishing a quiet zone in downtown Phoenix.

Upon receiving approval from the Commission for the closure of the east pedestrian crossing, the sidewalk approach will be removed, access to the crossing will be blocked, and the crossing warning devices and crossing surface will be removed. **(See Attachment "C")** Additionally, the west pedestrian crossing at 1st Avenue will be improved with fencing and a "pedestrian maze" to enhance safety. The pedestrian maze uses fencing to ensure pedestrians make at least one 180° turn before crossing the railway lines. Once the pedestrian enters the fenced area, this configuration forces the pedestrian to look both directions before crossing the railroad tracks. The cost for this work will be borne by the City; however, Staff is not aware of the exact amount for this project

Train Data

Data provided by the City regarding train movements through this crossing are as follows:

Train Count: Average of 13 trains per day

Train Speed: 20 mph

Thru Freight/Switching Moves: There are through train movements as well as switching operations through this crossing. Additionally, the Burlington Northern Santa Fe Railway operates on these tracks in order to interchange freight with the Railroad.

Schools and Bus Routes

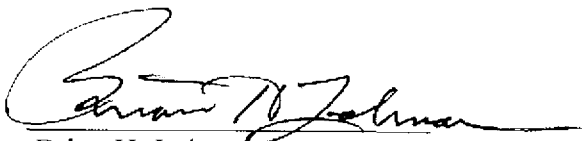
The following are the schools located within one mile of the proposed crossing closure:

- ✓ Dunbar School - 707 W Grant: 2,800 feet
- ✓ Lowell School - 1121 S 3rd Ave: 3,000 feet
- ✓ Children's First Academy - 376 N 6th Ave: 3,600 feet
- ✓ School for Integrated Academics and Technology –
518 E 3rd St: 3,800 feet
- ✓ Faith North - 910 E Washington: 4,200 feet
- ✓ AZ-Call-A-Teen- 649 N 6th Ave: 4,500 feet
- ✓ Phoenix University Public School - 735 E Fillmore: 4,800 feet
- ✓ Bioscience High School - 512 E Pierce: 4,900 feet
- ✓ Tertulia Pre-College Community - 812 N 6th Ave: 5,000 feet
- ✓ Career Success High School - 301 W Roosevelt: 5,100 feet
- ✓ Montessori Reed School - 909 N 1st ST: 5,100 feet
- ✓ Friendly House - 201 E Durango: 5,700 feet
- ✓ Herrera School - 1350 S 11th St: 5,700 feet

On two separate dates in September during early morning hours, Staff observed pedestrian traffic at the crossings and observed no school age children accessing the crossings. In addition, there are 8 Valley Metro Light Rail stops within one mile of this pedestrian crossing, and 43 Valley Metro Bus stops within one mile of the crossing.

Staff Conclusions

Due to the redundancy of the pedestrian crossings at 1st Avenue, along with on-going costs for maintenance, Staff believes that with the proposed improvements discussed above the proposed closure is warranted. Having reviewed all applicable data, Staff supports the east pedestrian at-grade crossing closure at 1st Avenue along with the improvements to the west pedestrian at-grade crossing. Staff believes that the crossing closure is in the public interest and is reasonable. Therefore, Staff recommends approval of the City's application.



Brian H. Lehman
Railroad Supervisor
Safety Division

Originator: BHL

Attachment “A”



West
Pedestrian
Crossing

East
Pedestrian
Crossing

1st Avenue Underpass And Pedestrian Crossings

Attachment “B”



East Pedestrian Crossing – 1st Avenue –



West Pedestrian Crossing 1st Avenue-

Attachment “C”

NOTICE

AN APPLICATION HAS BEEN FILED WITH THE ARIZONA CORPORATION COMMISSION TO CLOSE THIS PEDESTRIAN CROSSING. THE COMMISSION WILL HOLD A HEARING ON THIS MATTER COMMENCING ON

NOVEMBER 10, 2009, AT 9:30 A.M., AT THE COMMISSION'S OFFICES, 1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA.

PUBLIC COMMENT WILL BE TAKEN ON THE FIRST DAY OF THE HEARING. PUBLIC

CONCERNS CAN BE MADE IN WRITING TO THE RAILROAD SAFETY SECTION, C/O ARIZONA CORPORATION COMMISSION,

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 86007, OR CALL 602-542-4251 OR 1-800-222-7000 OR APPEAR AT THE HEARING AND MAKE COMMENT.

Docket No. RR-03639A-09-0373

Original and thirteen (13) copies
Of the foregoing were filed this
9th day of October, 2009 with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Copy of the foregoing mailed
This 9th day of October, 2009 to:

Robert Travis, PE
State Railroad Liaison
Arizona Department of Transportation
205 S. 17th Ave., Room 357 / MD 618E
Phoenix, Arizona 85007

Mr. Aziz Aman
Union Pacific Railroad
2073 E. Jade Dr.
Chandler, Arizona 85386

Mr. Charles Hagood
Federal Railroad Administration
P. O. Box 453
Oakhurst, California 93644

Melvin Thomas
Manager Public Projects
Burlington Northern Santa Fe Railroad
740 East Carnegie Drive
San Bernardino, California 92408

Anthony J. Hancock, Esq.
Terrance L. Sims, Esq.
Beaugureau, Zukowski & Hancock, P.C.
302 East Coronado
Phoenix, Arizona 85004
Attorney for Union Pacific Railroad
Company

Dan Klocke
Director of Planning and Economic
Downtown Phoenix Partnership
101 North 1st Avenue, 14th Floor
Phoenix, Arizona 85003

Rob Cox
City of Phoenix
Downtown Development
Community & Economic Development
Dept.
200 West Washington Street, 20th Floor
Phoenix, Arizona 85003

Dan Brown
City of Phoenix
Law Department
200 West Washington Street
Phoenix, Arizona 85003

Ms. Belinda Cummings, Project Manager
City of Phoenix
Street Transportation Department
1034 East Madison Street
Phoenix, Arizona 85034-2292